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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/406,454 | 09/27/1999 | GAWINS A. MACK II | 99016401X | 1627 |

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EXAMINER

MAUNG, NAY AUNG

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2681

DATE MAILED: 02/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/406,454

Applicant(s)

MACK ET AL.

Examiner

Nay A. Maung

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiedemann et al. (Wiedemann; Pat. No. 5,345,602).

Consider claim 16. Weidemann teaches a radio (fig. 1), further comprising: a speaker (item 15); a radio receiver having at least an active tuner (item 13) and a scanning tuner (item 18); means to input to the speaker the audio data output by the active tuner (item 14); means to receive broadcasted recording identification information in the scanning tuner (item 18; col. 4, lines 25-35); means to compare the received broadcasted recording identification information with preselected recording identification information (col. 4, lines 25-35; col. 3, lines 16-68); and means to tune the active tuner to the frequency used by the scanning tuner when the received broadcasted recording identification information and the preselected recording identification information match; whereby the radio can be automatically switched to a station playing a desired recording (col. 4, lines 25-53; col. 3).

Consider claim 17. Weidemann further teaches a plurality of scanning tuners, at least two scanning tuners tuned to different scanning frequencies; a plurality of preselected recording identifications; whereby multiple desired recordings can be searched for at the same time (col. 4, lines 25-53).

Allowable Subject Matter

3. Claims 1-15, and 18-20 allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: It is very well-known in the art portable communications device, comprising: a telephone transmitter/receiver, the telephone transmitter/receiver further comprising: means to transmit telephone data; means to receive telephone data; a speaker; a microphone; a keypad for entering data; a base segment having a lower hinge and an upper hinge; an upper segment attached to the upper hinge, the upper segment hingedly attached to the upper hinge such that it can be folded substantially against the base segment in a folded position or unfolded in an unfolded position such that it extends outward from the base segment at a preselected angle; a lower segment attached to the lower hinge, the lower segment hingedly attached to the lower hinge such that it can be folded substantially against the base segment in a folded position or unfolded in an unfolded position such that it extends outward from the base segment at a preselected angle. (see Lee et al., Pat. No. 6,137,525).

However, the prior art of record fails to show the lower segment and the upper segment sized such that when they are in the folded position, the upper segment, the lower segment, and the base segment collectively are shaped in the form of a cellular telephone handset; and the lower segment and the upper segment further sized such that when they are in the unfolded position, the upper segment, the lower segment, and the base segment collectively are shaped in the form of a telephone headset; whereby the portable communications device can be converted from a handheld telephone into a telephone headset, as disclosed in claim 1. Claims 2-15 are depended on claim 1; hence, the examiner gives the same reason set forth above.

In addition, it is very well known in the art a video telephone, comprising: a telephone transmitter/receiver, the telephone transmitter/receiver further comprising: means to transmit telephone data; means to receive telephone data; a speaker; a microphone; a keypad for entering data; a camera, the camera providing video data for transmission with telephone audio data; means to receive video data as a component of video phone data; a display, the display capable of displaying the video data (see Lee et al.; Pat. No. 6,137,525).

However, the prior art of record fails to show an antitheft function, further comprising: means to receive commands from a remote location; means to activate the camera under control of a command received from the remote location; and means to transmit video data output by the camera to the remote location; whereby the camera can be activated remotely to transmit video data if the device is stolen, as disclosed in claim 18. Claims 19 and 20 are depended on claim 18; therefore, the examiner give the same reason set forth above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee et al. (6,137,525) recites a personal data communication apparatus;

Lee (6,125,289) discloses a portable terminal having dual opposing flip covers;

Sasaki (JA 0060115) recites a RDS radio receiver;

Sumi (JA 0122310) discloses a double tuner receiver; and

Tanaka (JA 0097732) recites a radio receiver.

6. Any inquiry concerning this communication or earlier communications from the


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examiner should be directed to Nay A. Maung whose telephone number is 703-308-7745. The examiner can normally be reached on 7:30 a.m. - 4:00 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


NAY MAUNG
PRIMARY EXAMINER
Art Unit 2681

February 22, 2002